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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KENNETH R. MICKAS and YASMINA  
K. MICKAS,

Plaintiffs - Appellants,

v.

NATIONAL CASUALTY INSURANCE  
COMPANY,

Defendant - Appellee.

No. 09-17150

D.C. No. 2:08-cv-01347-SRB

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Susan R. Bolton, District Judge, Presiding

Submitted June 15, 2011\*\*

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

Kenneth R. Mickas and Yasmina K. Mickas appeal pro se from the district court's judgment dismissing their diversity action alleging fraud against their former insurance company. We have jurisdiction under 28 U.S.C. § 1291. We

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

review de novo a dismissal for failure to state a claim under 28 U.S.C.

§ 1915(e)(2)(B)(ii). *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order). We affirm.

The district court properly dismissed the second amended complaint because plaintiffs failed to allege sufficient facts to state a fraud claim on the basis of defendant's alleged misrepresentations regarding plaintiffs' cab company. *See Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (“[A] complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” (citation and internal quotation marks omitted)); *Echols v. Beauty Built Homes, Inc.*, 647 P.2d 629, 631 (Ariz. 1982) (stating elements of fraud claim under Arizona law).

Plaintiffs' remaining contentions are unpersuasive.

Plaintiffs' “Objection to Notice of Appearance” and “Objection to Notice of Disassociation” are denied.

**AFFIRMED.**